

AO 399 (01/09) Waiver of the Service of Summons

UNITED STATES DISTRICT COURT

for the
District of NevadaATLANTIC-PACIFIC PROCESSING SYSTEMS, INC*Plaintiff*

v.

DERMAKTIVE, LLC, et al.*Defendant*

Civil Action No. 2: 16-CV-00739

WAIVER OF THE SERVICE OF SUMMONS


To: Ari N. Rothman, Esq.*(Name of the plaintiff's attorney or unrepresented plaintiff)**for DERMAKTIVE LLC
JORDAN DUFNER*

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 04/05/2016, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: 4/11/2016*Signature of the attorney or unrepresented party*DERMAKTIVE LLC and JORDAN DUFNER*Printed name of party waiving service of summons*Ari N. Rothman*Printed name*575 7th Street, NW, Washington, DC 20004*Address*ANRothman@Venable.com*E-mail address*(202) 344-4220*Telephone number*

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

CERTIFICATE OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Orange, State of California. My business address is 9110 Irvine Center Drive, Irvine, CA 92618.

On April 12, 2016, I served true copies of the following document(s) described as **WAIVER OF THE SERVICE OF SUMMONS** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

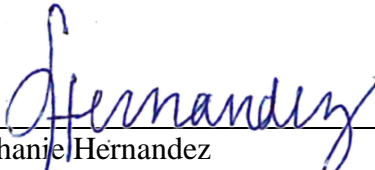
BY CM/ECF NOTICE OF ELECTRONIC FILING AS INDICATED

ON THE SERVICE LIST: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

BY E-MAIL OR ELECTRONIC TRANSMISSION AS INDICATED ON

THE SERVICE LIST: I caused a copy of the document(s) to be sent from e-mail address shernandez@jbblaw.com to the persons at the e-mail addresses listed in the Service List.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 12, 2016, at Irvine, California.


Stephanie Hernandez

SERVICE LIST

ATLANTIC-PACIFIC PROCESSING SYSTEMS, INC. v. DERMAKTIVE et al.
2:16-cv-00739

Ari N. Rothman, Esq.
575 7th Street, NW
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20004
VIA ECF

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Jordan Dufner**

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